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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,255	09/25/2000	Sheldon F. Goldberg	3367-8	4139

7590 12/04/2003
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Henderson, NV 89014

EXAMINER

STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 12/04/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/669,255

Applicant(s)

GOLDBERG ET AL.

Examiner

Aaron Strange

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2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

1. The transmittal form states "This application claims priority from U.S. Provisional Patent Application No. 60/144,350 filed July 16, 1999." The declaration claims priority from provisional 60/156,066 filed September 24, 1999. Please clarify which provisional the applicant intends to claim priority from.

Claim Objections

2. Claim 2 is objected to because of the following informalities: The phrase "the user's local" on line 3 appears to be misspelled. It has been interpreted as --- the user's locale --- for the purpose of applying prior art. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peled et al. (US 2002/0016831 A1) in view of Aprile (US 6,363,138).

5. With regard to claim 1, Peled et al. disclose a method for determining the location of a user requesting services from a network site of a communications network, comprising: receiving, at the network site, user information for identifying the user (IP address) (P 197, Lines 5-7), and a first approximate location of the user (telephone exchange) (P 199, Lines 10-13); causing the user's network station to call a predetermined telephone number for identifying the user (P 0205, Lines 1-5); receiving

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the user's call at the predetermined telephone number and: capturing the user's telephone number (P 204, Liens 1-5), and obtaining identification information for identifying the user (temporary password) (P 199, Lines 4-13); and determining the services to be provided to the user on the communications network according to the more precise location (P 196, Lines 1-9).

While Peled et al. disclose the use of a 'Caller ID' attribute to improve the resolution of the geo-location as well as the use of a telephone exchange to determine a user's location, Peled et al. do not specifically disclose the steps of: determining, using the first approximate location of the user, a location service provider providing coverage for the first approximate user location; transmitting the user's telephone number to one of the telephony location service providers selected for determining the location of the user; or receiving from the selected telephony location service provider, a more precise location of the user.

Aprile teaches the steps of: transmitting the user's telephone number (ANI) to one of the telephony location service (ALI) providers selected for determining the location of the user (Col 1, Lines 36-39); or receiving from the selected telephony location service provider, a more precise location of the user (physical address) (Col 1, Lines 40-44). The step of determining, using the first approximate location of the user, a location service provider providing coverage for the first approximate user location is inherent in making a request to the location service provider. Since a request is made, the provider must have been identified as containing identification for the user's approximate location (telephone exchange). The use of telephony location service

providers to obtain the location of a telephone number is also disclosed by the applicant as being known in the art on Page 6, Lines 10-20. This process allows a user's location to automatically be identified based only upon the telephone from which the user contacts the network site.

Therefore, it would have been obvious to anyone of ordinary skill in the art at the time the invention was made to modify the invention of Peled et al. to utilize a telephony location service provider as disclosed by Aprile to obtain a more precise location of the user based upon the location of the telephone number which the user uses to contact the network site. A more precise location of the user is desirable since it allows the network site to determine the location of a user at the street level, rather than a larger area such as a telephone exchange. This allows the network site to properly observe local laws regarding services such as gambling, which can vary from town to town within the same telephone exchange.


6. With regard to claim 2, Peled et al. further disclose that the services for providing to the user include one or more of: gambling services (P 6, Lines 6-8), taxation services, services for the distribution of software, advertising presentations (P 10, Lines 12-14), and information related to locations within the user's locale that the user is expected to find of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 703-305-8878. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
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